

EXHIBIT 4



OFFICE OF THE DISTRICT ATTORNEY

Seventh Judicial District

MICHAEL A. BLONIGEN

District Attorney

201 North David Street

4th Floor

Casper, Wyoming 82601

TEL: (307) 235-9223

FAX: (307) 235-9256

DISCOVERY

DATE: May 11, 2011

TO: John Robinson

IN RE: *State of Wyoming v. Aaron's Sales*

**PLEASE SIGN THIS TOP SHEET INDICATING YOUR RECEIPT
OF THE ATTACHED DISCOVERY AND RETURN IT TO DESTINY**

Attached is Discovery in the above referenced matter. Discovery included is:

Police Report Keith Wilhelm
Police Report Laura Starnes
Property Evidence Report
Call Log
Bates Stamp #'s 01-11

NOTE: These reports are being provided per an agreement not to publicly disseminate these reports.

DATE RECEIVED: _____

BY: _____

Casper Police Department
Details of Investigation

Case Number: 10-088921

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PRELIMINARY INVESTIGATION:

On 12/27/10 Detective Wilhelm was assigned a crime against a computer user case and Voyeurism case. A Brian Byrd made a report that a Chrystal Byrd and he had bought a Dell laptop computer from Aarons Sales and Lease located at 4050 Plaza DR, Casper Natrona, Wyoming. They paid off the computer on October 1, 2010.

INTERVIEW: BRYD, BRIAN DOB 4/2/85

Detective Wilhelm spoke with Brian Byrd on the phone. Brian Byrd substantially stated the following. On 12/20/10 a male named Chris showed up at his residence at 1481 South Illinois, Casper, Natrona, Wyoming, in an Aaron's truck. Chris showed Brian Byrd a picture of himself. The picture had been taken with the web camera from his Dell computer that he had purchased from Aaron's. Brian Byrd realized the picture had been taken an hour or so prior to Chris arriving at his residence. Brian Byrd was playing poker on the Dell computer in his living room when the picture was taken remotely.

Chris told Brian Byrd they were late on payments for the Dell computer and he was there to collect it. Chris explained to Brian Byrd when he logged onto the computer Aaron's received a ping on the computer telling them were it was at. Brian Byrd showed Chris the receipt for the computer showing the computer was paid off. Chris left the residence.

Brian Byrd spoke to an employee at Geek Squad and was advised someone placed software onto the computer that was used to view them. The Dell computer did not come with that type of software already on it. Brian Byrd stated Chrystal Byrd or he was never told about software on the computer that would let Aarons access his computer and take a picture of them.

Brian Byrd was concerned about Aaron's accessing his computer without permission and also taking a picture of him. Chrystal Byrd has noticed the web camera light on in the past as she was in her bedroom, but at the time did not think anything about it. Brian Byrd did not take the picture of himself that Chris had shown him when he arrived at his residence.

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Report of:
Detective Wilhelm

Reviewed by & Date:

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INVESTIGATION:

Detective Wilhelm responded to Aarons Sales and Lease located at 4050 Plaza Drive, Casper, Natrona, Wyoming. Detective Wilhelm spoke with a Christopher Mendoza. Mendoza stated he was the Chris that had responded to Brian Byrd's residence to collect the Dell computer.

INTERVIEW: MENDOZA, CHRISTOPHER DOB 11/03/86

Detective Wilhelm spoke with Christopher Mendoza at the front counter of Aaron's Sales and Lease. Mendoza stated the accounts had been mixed up and they showed a Cal Vancal account overdue with Chrystal Byrd's computer as the computer.

When Brian Byrd logged onto the computer a picture of him was taken with the computers web cam. Brian Byrd had to type in his address so they knew where Brian Byrd lived. Mendoza stated Aarons Sales and Lease use "PC Rental Agent" software to track the computers they sell.

All computers sold through Aaron's Sales and Lease PC Rental Agent is downloaded onto the computer. The software is hidden and the user of the computer does not know it is there. The person who purchases the computer is not told about PC Rental Agent. Mendoza does not have access to PC Rental Agent only the General Manager Sean Baker.

Mendoza gave Detective Wilhelm a copy of Chrystal Byrd's contract. Mendoza was asked if the person who is leasing the computer is told about the PC Rental Agent software downloaded on the computer, Mendoza stated "no".

INVESTIGATION:

Detective Wilhelm read Chrystal Byrd's contract with Aaron's Sales and Lease for the computer. Detective Wilhelm did not see anywhere in the contract where it talked about PC Rental Agent being placed on the computer. Detective Wilhelm did not observe anywhere in the contract where it stated Aaron's Sales and Lease could access the computer without permission. It was not mentioned in the contract where Aaron's Sales and Lease had the right to shut down the computer, view the user through the web camera, take a picture of the user with the web camera, or look at personal information of the user if the payments on the computer were 7 days late.

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Detective Wilhelm went on line and looked up PC Rental Agent.com. Following is the website.



PC Rental Agent
Prevents SKIPS!

Click HERE TO ORDER YOUR COPY TODAY or call
814-725-4380

Protect your RTO Computers
Stop Skips from getting away with it
Try it for 60 Days Free

Wouldn't it be nice that once a customer stopped paying you, you could prevent them from using your rental merchandise?

Now you can. PC Rental Agent® can be installed on all your rental inventory. It can be remotely managed from our website and allows you to disable your product when a customer skips or is not paying. Once disabled, it cannot be used until a password is entered. Since you control when the it gets disabled and the password, customers will need to contact you. You control when they get the password to unlock it. No more broken commitments, no more non-paying customers.

Get the ultimate solution for the RTO Industry, built by RTO Professionals with over 25 years in the business.

Disable it and prevent it from being used:

- When you decide it's time to disable a rented item, you tell the Agent to lockdown. Once locked, it can only be unlocked with a password that you control. The customer cannot use it; they are totally locked out. All the customer has access to is the lockdown message that tells them they need to contact your store to get the password to unlock it.

Only pay for devices using the software.

- Install on your entire inventory and pay for only those that report.
- No long term commitment.
- Pay as you get paid and as you rent and collect.

Or purchase one of our unlimited plans and save.

- Install on your entire inventory and pay a flat rate regardless of the number of devices (*license per store is required*).
- No long term commitment.
- [Click here for detailed pricing information.](#)

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Additional features include:

- **Display a message that tells the user they are using a product owned by you.**
 - Makes it hard to pawn or sell it.
 - Helps in recovery if it is stolen or lost.
 - Display your rental contract and remind them of the terms.
- **Force verification every 1-365 days if customers don't have Internet. The device will automatically lockdown and your customers will have to call you for a PIN which will allow them access for another 1-365 days.**
 - Totally configurable and can be set to only certain days of the week.
 - Helps recover loaners.
 - Short-term rental.
 - Customers without Internet.
- **Require an unLock device like a CD or a USB Thumb Drive to always be available or the device locks. It will not work unless the unLock device is found.**
 - No more lost laptops when someone is traveling.
 - Great for company laptops being used by Regional Managers.
- **Built in computer F3 Hotkey Recovery Function. Simply pressing the F3 Key restores the computer which saves time when a computer comes back off rent. No more worrying about reloading the software and applying security patches. NEW Click here to see a comparison in savings**
 - Save money by purchasing computers that do not have a built in restore.
 - With this feature, you will reduce labor and reduce service calls because customers can simply press the F3 key and reload Windows. Since most problems are fixed by simply reloading Windows, this will improve customer service and reduce labor in the RTO store. Also, there is an option to restore the computer WITHOUT deleting customer data! How many times have you had to restore a computer, for a customer, and they are upset because they will lose all their data? Not anymore, F3 Hotkey Recovery will keep their data if they wish to keep it.


INTERVIEW: BAKER, SEAN DOB 12/25/71

Detective Wilhelm spoke with Sean Baker the General Manager. Detective Wilhelm and Baker spoke in the back office at Aaron's Sales and Lease. Baker substantially stated the following. All computers leased from Aaron's Sales and Lease has PC Rental Agent software downloaded on them. If the person is 7 days late on payments PC Rental Agent is turned on. Baker receives messages by email every 20 seconds with updates from PC Rental Agent on the people Aaron's is monitoring. The updates show the address and a picture of the person using the computer. The picture is taken with the web camera.

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Baker showed Detective Wilhelm the computer where he receives the updates. Baker clicked on one of the updates and a picture of a male wearing a baseball cap with the name Jesse Walter popped up. The picture was a still shot and had been taken with the web camera on the computer.

There are three different detective modes to PC Rental Agent. Baker does not have the authority to change the detective mode on the people they are monitoring. Baker's boss a Clint Welch who lives and works in Rapid City South Dakota has the authority to change the modes.

Baker stated they can shut down the computer of the person using it and send them a message saying they need to contact Aaron's Sales and Lease. Aaron's then asks for the payment and after the payment is received they unlock the computer.

Baker describes the different modes as follows. The first detective mode "you can see who is on the computer, see what they are looking at online, and see their info, example new address". The second detective mode you can take a picture of the person using the computer. The third detective mode you can turn on the web cam on the computer. In all the modes you can lock the computer so the user has to make contact with Aaron's Sales and Lease to turn the computer back on.

Baker advises the person buying the computer about PC Rental Agent software installed on the computer. Baker did not know if any of the other employee's advises the person purchasing the computer about the software. Baker stated it was up to the person making the sale to disclose the information, it was not store policy. Baker stated all of Aaron's Sales and Lease throughout the country put PC Rental Agent on all computers leased.

INTERVIEW: KELLY, ASHTON

On 1/18/11 Detective Wilhelm called PC Rental Agent. Detective Wilhelm spoke with the lead computer technician Ashton Kelly. Kelly Substantially stated the following.

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The software was designed for rent to own stores. The purpose of the software is for computers that are leased out and the person is not current on payments the store can remotely go into the computer and lock it. The person leasing the computer would then need to contact the store. The store could then collect payment and unlocked the computer. The store could also use the soft ware to locate stolen or pawned computers. There are three levels to the program.

The first level takes a screen shot of the computer and logs 30 keys typed.

The second level does the same as level one but never shuts off. A screen shot of the computer is taken every 2 minutes and it logs the key strokes.

The third level does a prompting, a screen pops up that states part of windows need registered and request name, phone number, mailing address, and email. The web cam takes a picture of the person logging onto the computer.

Kelly stated the only information stored is the IP address and the date and time stamp. All of the information collected is sent via email to the store.

The interview was recorded on Call RX. See DVD for complete interview.

ALCOHOL/DRUGS: None

STATUS: Forward to the 7th District Attorney's office for appropriate charges.

Report Date: 03/10/11

Report of:
Detective Wilhelm

Reviewed by & Date:

3-14-11

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Narrative:

CASPER POLICE DEPARTMENT

CR #: 10-88921

OFFENSE

FELONY

NATURE: FRAUD

LOCATION OF OCCURRENCE: 1481 S. ILLINOIS

DATE AND TIME OCCURRED: 12/20/10 1955

INITIAL INFORMATION:

On 12/20/10 at approximately 2020 hours Officer Starnes responded to 1481 S. Illinois to a Citizen Complaint call.

INTERVIEW BRIAN BYRD:

Upon arrival on scene Officer Starnes made contact with the reporting party, Brian Byrd D.O.B. 4/2/85. Byrd told Officer Starnes substantially the following: Byrd and his wife, Chrystal Byrd D.O.B. 1/5/87, bought a blue Dell computer from Aaron's furniture store located at 4050 Plaza Dr. in August, 2010. On October 1, 2010, C. Byrd paid the remainder of \$928 to Aaron's to pay off the computer.

On today's date a male, who advised his name was "Chris," unknown last, showed up at their residence in an Aaron's truck. Chris showed B. Byrd a picture of B. Byrd sitting in front of his computer. B. Byrd realized that picture had been taken just an hour or so prior when he was sitting on his couch in his living room.

Chris then told Byrd that he was there to get the computer as he had not paid for it. The Byrd's found the receipts and gave Chris a photocopy of it. Chris advised the Byrd's he needed the original receipt, however, Byrd refused to give it to him. Chris told Byrd that when they logged onto their computer Aaron's received a "ping," which told them where the computer was. Chris then left the Byrd's. Minutes later Chris called the Byrd's advising them an investigator would be contacting them tomorrow to get the original receipt.

The Byrd's were very upset that they were being viewed unknowingly while on their home computer. The Byrd's realized that starting approximately 3 weeks ago everytime they would turn the computer on a screen popped up advising them they needed to register Windows on their computer. They were unable to access their computer without doing this.

After speaking to Chris from Aaron's on today's date, they realized that when they logged in the computer webcam was viewing them without their knowledge. C. Byrd had been in her bedroom 2 days prior getting ready to get into the shower and decided to check her grades online. C. Byrd was standing in front of

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her computer in only a bra and underwear. C. Byrd noticed a light on where the webcam but did not know what it meant. The light was on for a couple of hours on that date.

The Byrd's were upset that their privacy had been intruded on and someone was likely looking at C. Byrd while she was undressed. The Byrd's wanted to know why Aaron's was using software to look at them when the computer was paid off.

B. Byrd advised he saw on the news that a female Aaron's employee was recently arrested for embezzeling money from the store and was concerned about what else was going on there. B. Byrd advised he spoke to a employee at Geek Squad who advised the software used to view them had to be placed on there, the computer does not come with it.

Officer Starnes took the Computer and a copy of the receipts the Byrd's had and logged them into evidence at the Casper Police Department. B. Byrd advised the password for the computer was mason.

STATUS/CASE CLOSURE: OPEN-FORWARD TO INVESTIGATIONS

OFFICER: STARNES A162

 PROPERTY

PROPERTY STATUS CODES:

SNR-STOLEN NOT RECOVERED

SRO-STOLEN RECOVERED OTHER

SRL-STOLEN RECOVERED LOCALLY

1-RECOVERED STOLEN OTHER JURISDICTION

3-LOST

5-DAMAGED/DESTROYED/VANDALIZED

7-SEIZED

9-SAFEKEEPING

2-EVIDENCE

4-COUNTERFEIT/FORGED

6-BURNED

8-USED IN CRIME

10-TOWED

ITEM #:	1
QUANTITY:	1
PROPERTY STATUS:	EVIDENCE
TYPE OF ITEM:	COMPUTER
MAKE/BRAND:	DELL
SERIAL #/OAN:	
MODEL:	INSPIRION
DESCRIPTION:	BLUE DELL LAPTOP COMPUTER
DATE RECOVERED:	12/20/10
VALUE:	1300.00

ITEM #:	2
QUANTITY:	6
PROPERTY STATUS:	EVIDENCE
TYPE OF ITEM:	RECIEPTS/PAPERWORK
DESCRIPTION:	RECEIPTS/PAPERWORK FROM AARONS
DATE RECOVERED:	12/20/10

VALUE:

0

OFFICER: STARNES A162

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1480 ILLINOIS

1088921

722

Connecting CR Number(s) or Citation Numbers	Comments

Type of Case:

Casper Police Department Property / Evidence Report

Evidence Code:	E – Evidence	S – Safekeeping	D – Destroy	A – Found	L – Fingerprint	X <small>Trace</small> Examination
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Narrative

Officer & ID # L. SPANIC

Date Recovered	2600
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Time Recovered: 12/22/10

Date 2/20/10 Hour 2:16 Approved By _____

-Approved By

Witness

I HEREBY ACKNOWLEDGE THAT THE ABOVE LIST REPRESENTS ALL PROPERTY TAKEN FROM MY POSSESSION AND THAT I HAVE RECEIVED A COPY OF THIS RECEIPT.

Sign

BY: SK

DEC 21 2000

NEGATIVE

LAW Incident Responders Detail
Responding Officers

Seq	Name	Unit
1	Starnes, L	A162

Main Radio Log Table:

Time/Date	Typ	Unit	Code	Zone	Agnc	Description
23:03:40 12/20/2010	1	A162	CMPLT	PD-2	CPD	(MDC) Completed call incid#=10
21:49:32 12/20/2010	1	A162	ARRVD	PD-2	CPD	(MDC) 19 incid#=10-088921 call
21:41:26 12/20/2010	1	A162	ENRT	PD-2	CPD	(MDC) pd log evidence incid#=1
21:30:53 12/20/2010	1	A162	BUSY	PD-2	CPD	(MDC) 1480 illinois follow up,
21:21:17 12/20/2010	1	A162	ENRT	PD-2	CPD	(MDC) 1480 ill follow up incid
20:56:25 12/20/2010	1	A162	NMINQ	CPD	CPD	MDC: name=*, EVELYN
20:33:28 12/20/2010	1	A162	ARRVD	PD-2	CPD	(MDC) Arrived on scene incid#
20:25:29 12/20/2010	1	A162	76	PD-2	CPD	incid#=10-088921 En route.....

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